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Report : Mr. Pugh

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Recommended Citation

S. Rep. No. 202, 36th Congress, 1st Sess. (1860)

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IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1860.—Ordered to be printed.

Mr. PUGH made the following

REPORT.

[To accompany Bill S. 417.]

The Committee on the Judiciary, to whom was referred the petition of John Cradlebaugh, one of the justices of the supreme court for the Territory of Utah, have considered the same, and now report:

The nature of this claim sufficiently appears from the petition and account herewith submitted.

The committee are of opinion that such an expenditure was necessary in the circumstances, and ought to be reimbursed to the petitioner, but refer the adjustment of the claim to the proper executive officer.

A bill is reported accordingly.

PETITION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of John Cradlebaugh respectfully represents: That petitioner, when he entered upon the discharge of his duties as one of the associate justices of the supreme court of the Territory of Utah, was assigned a district in the Mormon settlements at the western base of the Wasatch chain of mountains, his district extending from Salt Lake county to New Mexico.

That the territorial legislature of said Territory, at its session of 1858-59, redistricted the Territory for judicial purposes, creating a district in the western part of the Territory, to which district your petitioner was assigned.

That the legislature made no provision for the removal of the press and seal, record books that had been provided for that district, judge's library, and files necessary to be removed, nor did they provide for any payment of the expenses of such removal.

That the marshal of the Territory being about to resign his office, refused to have said effects removed; and the governor of the Territory declared to your petitioner that he had no money at his control to pay for the transportation of said effects.

Petitioner says a term of court had been fixed for said district, and it became necessary that said effects should be removed to the place of holding court.

Petitioner says that the land records for the counties of Carson, Humboldt, and St. Mary's had been removed from Genoa to Salt Lake City, and it was desirable that they should be transported back to their proper locality.

Petitioner says that on the Upper Humboldt several murders had about that time been committed, and the route was looked upon as quite unsafe. That on account of having said government property, together with said land records, a guard was supposed to be necessary.

That there being no other means of having said property transported, petitioner, with his own means, bought an outfit, purchased grain, hired drivers, and transported said property, together with a guard, as stated in the account hereto attached.

Petitioner says the guard was furnished by General Johnston, from soldiers whose time of service would expire about the time of their arrival in California, and who desired to go there, and would not desire to return. That the general declined to furnish transportation, for reasons not made known to petitioner, but as petitioner supposes, that the expense and risk in the outward trip and return would be very great—animals being usually worn out with one trip over those deserts.

Your petitioner says that he also had to send said guard from Genoa to Sacramento city, in California.

That if he had been enabled to get his mules through in good condition, he no doubt would have realized sufficient to compensate him for his outlay and expense. That on account of the scarcity of grass on the road, occasioned by the great emigration, and the bad water, he lost several. That in spite of the vigilance of the guard, others were stolen; and that his expense and loss is as stated in the claim herewith filed.

Petitioner says his claim is just, and that his loss should be made good to him. For which he earnestly and sincerely prays, &c.

JOHN CRADLEBAUGH.

The United States to John Cradlebaugh, Dr.

September 1, 1859, to transporting books, papers, press, library, &c., of the second judicial district court of Utah Territory, together with land records, and a guard of eleven men, with their provisions and other outfit, from Salt Lake City and Provo City, through an Indian country, to Carson City, weight in all 4,000 pounds, distance 700 or 800 miles, \$1,000.

TERRITORY OF UTAH, *Carson county, ss.*

John Cradlebaugh, being duly sworn, says that the Legislature of the Territory of Utah, at its last session, passed an act so districting the Territory for judicial purposes that it became his duty to remove his place of holding court from Provo City, on Utah Lake, to Genoa, in Carson county, in the west part of the Territory; that the legislature made no provision for the removal of the files, record books, and remnant of library belonging to the office, or for the payment of the transportation of the same; that the marshal of the Territory being about to resign his office, declined to take charge of, and remove the effects of the office; that affiant purchased teams with his own money, and transported the effects of the office, &c., together with a guard as stated in the account; that the expenses of the removal, together with the stock of affiant which died on the road and that stolen, was a loss to affiant of \$1,300 or \$1,400. Affiant further says that, at the lowest rate charged for transportation in this country, the like service could not be contracted to be done for less than \$1,000. Affiant states further that it was not his intention at the time he undertook to do the service, to charge for the transportation of the same, but losing five mules used therein, by disease prevailing among stock along the route, and by theft, &c., affiant believes he should be paid at least the reasonable sum which the transportation would have cost if the same had been done with ox-teams, on contract, at the lowest rates in this country. He further says that, unless he is paid by the federal government, he will receive no compensation for the service rendered, as we have no county organizations in the district, and nothing to be expected from Mormon legislation.

Affiant therefore asks that his claim be paid, &c.

JOHN CRADLEBAUGH.

Sworn to, and subscribed before me this December 4, 1859.

ALFRED JAMES,

Clerk U. S. District Court third judicial district, Utah Ter.

We, citizens of Carson valley, being acquainted with the route, and expense of transportation over the same, and the incident risk, believe the above account to be reasonable and just.

JAMES B. BLAKE,
A. C. PLUMMER,
S. J. SINGLETON,
T. F. SMITH,
J. B. CRANDELL,
JOHN L. BLACKBURN.

I concur in the above statement.

CHARLES E. SINCLAIR,
Associate Justice Supreme Court, Utah Territory.

I am acquainted with the route traveled by Judge Cradlebaugh, stated in the within; was at Genoa when he arrived, and saw the effects transported; believe there was a necessity of his having a guard at that time on the road, on account of the Indians, several persons having been murdered by them during the time he was on the road; and believe that he should be paid the entire losses sustained by him. He further, to my knowledge, sent his escort, at his own expense, to Sacramento, California, at a great loss and expense.

F. DODGE,
United States Indian Agent.